

June 25, 2010
Kentucky Board of Dentistry
Legislative Committee Meeting

Draft Regulation: Dental hygiene

Ms. Ruley made a motion to approve the Dental hygiene section of the proposed regulations as amended today. Dr. King seconded the motion. All were in favor; none opposed.

Voting Committee members present were:

Kentucky Board of Dentistry
William Boggess, DMD
Susan King, DMD

Kentucky Dental Association
John L. Creech, DMD
Mike Johnson, DMD
Kevin Wall, DMD

Kentucky Dental Hygienist's Association
Donna Ruley, RDH
Donna Fogle, RDH

Kentucky Department for Public Health
Julie McKee, DMD

University of Kentucky College of Dentistry
Fonda Robinson, DMD

Dental Hygienists.

RELATES TO:

STATUTORY AUTHORITY:

NECESSITY, FUNCTION, AND CONFORMITY: KRS XXX.XXX requires the board to promulgate administrative regulations relating to requirements and procedures for licensure, renewal and licensure by credentials for dental hygienists. This administrative regulation establishes those requirements and procedures.

Section 1. General Licensure Requirements. An applicant desiring licensure in the Commonwealth shall at a minimum:

- (1) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, otherwise known as Level 4, verified by testing as necessary;

- (2) Submit a completed and signed "Application for Dental Hygiene Licensure";
- (3) Pay the fee required by administrative regulation;
- (4) Not be currently subject to disciplinary action pursuant to KRS Chapter XXX which would prevent licensure;
- (5) Provide proof of completion of the requirements of KRS 214.615 (i);
- (6) Complete and pass the jurisprudence exam;
- (7) Provide proof of having ~~current and maintaining~~ certification in cardiopulmonary resuscitation (CPR) which meets or exceeds the guidelines set forth by the American Heart Association;
- (8) Submit to a criminal background check through the Administrative Office of the Courts in Kentucky, from the state(s) of residence for the last 5 years, or by fingerprint;
- (9) Provide verification of any license to practice dental hygiene previously or currently held in any state or jurisdiction;
- (10) Provide proof that the applicant is a graduate of a Commission on Dental Accreditation (CODA) accredited dental hygiene school or college or dental hygiene department of a university;
- (11) Provide proof that the applicant has successfully completed the National Board Dental Hygiene Examination (written theoretical) conducted by the Joint Commission on National Dental Examinations; and
- (12) Provide an explanation for any positive returns on a query of the National Practitioners Database Reporting.

Section 2. Licensure by Examination Requirements.

- (1) An individual desiring initial licensure as a dental hygienist by examination within (2) two years after fulfilling all of the requirements of his dental hygiene education shall:
 - (a) Complete all of the requirements listed in section (1) of this administrative regulation; and
 - (b) Have successfully completed prior to July 15, 2015 any one of the following regional clinical examinations within three (3) tries:
 1. The examination of the Council of Interstate Testing Agencies;
 2. The examination of the Central Regional Dental Testing Services, Inc.;
 3. The examination of the Northeast Regional Board;
 4. The examination of the Southern Regional Testing Agency, Inc.; or
 5. The examination of the Western Regional Testing Association.
 - (c) After July 15, 2015, the Board will only accept a nationalized clinical exam ~~which requires a candidate to obtain a score of seventy-five (75) percent or higher on each individual section within three (3) tries.~~
- (2) An individual desiring initial licensure as a dental hygienist by examination more than two (2) years but less than five (5) years after fulfilling all of the requirements of his dental hygiene education shall:
 - (a) Complete all of the requirements listed in subsection (1) of this section of this administrative regulation; and
 - (b) Hold a license to practice dental hygiene in good standing in another state or territory of the United States or the District of Columbia; or

- (c) If the applicant does not hold a license to practice dental hygiene in good standing, complete a Board approved refresher course prior to receiving a license to practice dental hygiene in the Commonwealth of Kentucky.
- (3) An individual desiring initial licensure as a dental hygienist by examination more than five (5) years after fulfilling all of the requirements of his dental hygiene education and who does not qualify to apply for licensure by credentials shall:
 - (a) Complete all of the requirements listed in section (1) of this administrative regulation;
 - (b) Successfully complete within the five (5) years prior to application a clinical examination approved in paragraph (b) or (c) of subsection (1) of this section of this administrative regulation; and
 - (c) Hold a license to practice dental hygiene in good standing in another state or territory of the United States or the District of Columbia; or
- (c) If the applicant does not hold a license to practice dental hygiene in good standing, complete a Board approved refresher course prior to receiving a license to practice dental hygiene in the Commonwealth of Kentucky.
- (4) An applicant who has taken the clinical examination three (3) times and failed to achieve a passing score shall not be allowed to sit for the examination again until he has completed and passed a remediation plan prescribed by the board.

Section 3. Licensure by Credentials Requirements. An individual desiring initial licensure as a dental hygienist by credentials shall:

- (1) Complete all of the requirements listed in section (1) of this administrative regulation;
- (2) Provide proof of having passed a state, regional, or national clinical exam adopted (2) Provide proof of having passed a state, regional, or national clinical exam used to determine clinical competency in a state or territory of the United States or the District of Columbia; and
- (3) Provide proof that, for five (5) of the six (6) years ~~the five (5) consecutive years~~ immediately preceding the filing of his application, he has been engaged in the active practice of dental hygiene, provided that he was legally authorized to practice dental hygiene in a state or territory of the United States or the District of Columbia and further provided that his qualifications for such authorization were equal to or higher than those of this state.

Section 4. Charitable Limited Licenses.

- (1) An individual desiring a charitable limited license shall:
 - (a) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, otherwise known as Level 4, verified by testing as necessary;
 - (b) Submit a completed and signed "Application for Charitable Dental Hygiene Licensure";
 - (c) Not be subject to disciplinary action pursuant to KRS XXX.XXX which would prevent licensure;
 - (d) Have a license to practice dental hygiene in good standing in another state; and
 - (e) Provide an explanation for any positive returns on a query of the National Practitioners Database Reporting.
- (2) Individuals licensed under this section shall:

- (a) Work only with charitable entities registered with the Cabinet for Health and Family Services who have met the regulatory requirements of the board;
- (b) Only perform procedures typically performed which must be completed within the duration of the charitable event;
- (c) Be eligible for the provisions of medical malpractice insurance procured under KRS 304.40-075;
- (d) Perform these duties without expectation of compensation or charge to the individual, and without payment or reimbursement by any governmental agency or insurer; and
- (e) Have a charitable limited license which will be good for two (2) years and expire during the regular dental hygiene renewal cycle.

Section 5. Minimum Continuing Education Requirements.

- (1) An individual desiring renewal of an active dental hygiene license shall complete thirty (30) hours of continuing education which relates to or advances the practice of dentistry and would be useful to the licensee in his practice.
- ~~(2) Of the thirty (30) required hours, a minimum of twenty (20) shall be Type 1 continuing education hours and a maximum of ten (10) shall be Type 2 continuing education hours.~~
- (2) Acceptable Type 1 continuing education hours shall include course content designed to increase comprising:
 - (a) Competency in treating patients who are medically compromised or who experience medical emergencies during the course of dental hygiene treatment;
 - (b) Knowledge of pharmaceutical products and the protocol of the proper use of medications;
 - (c) Awareness of currently accepted methods of infection control;
 - (d) Knowledge of basic medical and scientific subjects including, but not limited to, biology, physiology, pathology, biochemistry, pharmacology, epidemiology, and public health;
 - (e) Knowledge of clinical and technological subjects including, but not limited to, clinical techniques and procedures, materials, and equipment;
 - (f) Knowledge of subjects pertinent to patient management, safety, and oral healthcare;
 - (g) Training in assisting in mass casualty or mass immunization;
 - ~~(i) Preparedness for charitable dental events;~~
 - (h) Clinical skills through the volunteer of clinical charitable dental hygiene which meets the requirements of KRS xxx.xxx;
 - (i) Knowledge of office business operations and best practices; or
 - (j) Participation in dental association or society business meetings.
- ~~(4) Type 2 continuing education hours shall consist of courses which relate to or advance the practice of dentistry and would be useful to the licensee in his practice but which do not meet the content requirements for Type 1 continuing education hours.~~
- ~~(3) A minimum of ten (10) hours Type 1 hours shall be taken in a live interactive classroom presentation format.~~
- (4) A maximum of ten (10) hours total may be taken which meet the requirements of subsections (2)(g)-(2)(j) of this section. A maximum of ten (10) hours Type 1 hours and ten (10) Type 2 hours may be taken online, via correspondence, or through the volunteer of clinical charitable dentistry which meets the requirements of KRS xxx.xxx.

- (5) All continuing education hours shall be verified by the receipt of a certificate of completion or certificate of attendance bearing:
 - (a) The signature of the provider;
 - (b) The name of the licensee in attendance;
 - (c) The title of the course or meeting attended or completed;
 - (d) The date of attendance or completion;
 - (e) The number of hours earned; and
 - (f) Evidence of the method of delivery of the course if a live interactive presentation format course.
- (6) It shall be the sole responsibility of the individual dental hygienist to obtain documentation from the provider or sponsoring organization verifying participation as outlined in subsection (5) and to retain the documentation for a minimum of five (5) years.
- (7) At the time of license renewal, a licensee shall be required to attest to the fact that he or she has complied with the requirements of this section.
- (8) A licensee shall be subject to audit of proof of continuing education compliance by the board.

Section 6. Renewal Requirements. An individual desiring renewal of an active dental hygiene license shall:

- (1) Submit a completed and signed “Application for Renewal of Dental Hygiene Licensure”;
- (2) Pay the fee required by administrative regulation;
- (3) Maintain ~~without~~ no more than a thirty (30) day lapse CPR certification which meets or exceeds the guidelines set forth by the American Heart Association and that requires a manikin-based demonstration of skill if the course is completed online unless a hardship waiver is submitted to and subsequently approved by the board;
- (4) Meet the requirements of KRS 214.615(i) regarding HIV/AIDS education of healthcare providers; and
- (5) Meet the continuing education requirements as outlined in Section 5 of this administrative regulation except in the following cases:
 - (a) ~~If a hardship waiver has been submitted to and is subsequently approved by the board; to the board more than two (2) weeks prior to the last regularly scheduled board meeting before the expiration of the individual’s license and that hardship waiver has been approved by the board;~~
 - (b) If the licensee graduated in the first year of the renewal biennium, in which case he shall complete one half of the hours as outlined in Section 5 of this administrative regulation; and
 - (c) If the licensee graduated in the second year of the renewal biennium, in which case he shall not be required to complete the continuing education requirements outlined in Section 5 of this administrative regulation.

Section 7. Retirement of a License.

- (1) An individual desiring retirement of a dental hygiene license shall submit a completed and signed “Retirement of License Form”, ~~which must be postmarked on or before December 31 of the year his license expires.~~

- (2) Upon receipt of this form, the board will send written confirmation of retirement to the last known address of the licensee.
- (3) No individual may retire a license that has pending disciplinary action against it.
- (4) All retirements shall be effective ~~December 31 of the year the license expires~~ upon the processing of the “Retirement of License Form” by the board.

Section 8. Reinstatement of a License.

- (1) An individual desiring reinstatement of a retired dental hygiene license shall:
 - (a) Submit a signed and completed “Application to Reinstate a Dental Hygiene License”;
 - (b) Pay the fee required by administrative regulation;
 - (c) Show proof of being certified in CPR which meets or exceeds the guidelines set forth by the American Heart Association;
 - (d) Provide current verification of any license to practice dental hygiene previously or currently held in any state or jurisdiction;
 - (e) Submit to a criminal background check through the Administrative Office of the Courts in Kentucky, from the state(s) of residence for the last 5 years, or by fingerprint; and
 - (f) Provide an explanation for any positive returns on a query of the National Practitioners Database Reporting.
- (2) If an individual is reinstating a license that was retired within the two (2) consecutive years immediately preceding the filing of his application, he shall provide proof of having met the continuing education requirements as outlined in Section 5 of this administrative regulation within those two (2) years.
- (3) If the applicant has not actively practiced dental hygiene in the two (2) consecutive years immediately preceding the filing of his application, he shall complete and pass a refresher course approved by the board.
- (4) If a license is reinstated in the first year of a renewal biennium, the licensee shall complete all of the continuing education requirements as outlined in Section 5 of this administrative regulation prior to the renewal of his license.
- (5) If a license is reinstated in the second year of a renewal biennium, the licensee shall complete one half of the hours as outlined in Section 5 of this administrative regulation prior to the renewal of his license.

Section 9. Verification of Licensure. An individual desiring verification of a dental hygiene license shall:

- (1) Submit a signed and completed “Verification of Licensure Form”; and
- (2) Pay the fee required by administrative regulation.

Section 10. Duplicate Licenses. An individual desiring a duplicate dental hygiene license shall:

- (1) Submit a signed and completed “Duplicate License Request Form”; and
- (2) Pay the fee required by administrative regulation.

Section 11. Reciprocity. Any state which grants direct reciprocity of a Kentucky licensed dental hygienist shall enjoy the same privilege for its licensed dental hygienists.

Section 12. Local Anesthesia Registration.

(1) An individual licensed as a hygienist in Kentucky and not subject to disciplinary action who desires to administer local anesthesia shall complete a training and education course as described in KRS XXX.XXX with a final score which exceeds seventy-four percent (74%) on a written examination administered after coursework and clinical training.

(2) The training and education course shall be offered by one of the following institutions in Kentucky:

- (a) University of Louisville School of Dentistry;
- (b) University of Kentucky College of Dentistry;
- (c) Western Kentucky University Dental Hygiene Program;
- (d) Lexington Community College Dental Hygiene Program; and
- (e) Kentucky Community Technical College System Dental Hygiene Programs.

(3) Training received outside of Kentucky shall be from a dental or dental hygiene school accredited by CODA and shall meet the requirements established in this administrative regulation.

(4) Once the required training is complete the applicant shall:

- (a) Complete the “Dental Hygiene Local Anesthesia Registration Application”; and
- (b) Pay the fee required by administrative regulation.

(5) Individuals authorized to practice under this provision shall receive a license from the board indicating the permission to practice local anesthesia.

Section 13. General Supervision Registration.

(1) An individual licensed as a hygienist in Kentucky and not subject to disciplinary action who desires to practice under general supervision shall:

- (a) Complete the “General Supervision Registration Application”;
- (b) Meet the requirements of KRS Chapter XXX.XXX(X);
- (c) Document through payroll records, employment records, or other proof that is independently verifiable the dates and hours of employment by a dentist in the practice of dental hygiene which demonstrate the required two (2) years and 3,000 hours of experience;
- (d) Successfully complete a live three (3) hour course approved by the Kentucky Board of Dentistry in the identification and prevention of potential medical emergencies which shall include, at a minimum, the following topics:
 - 1. Medical history, including American Society of Anesthesiologists classifications of physical status;
 - 2. Recognition of common medical emergency situations, symptoms and possible outcomes;
 - 3. Office emergency protocols; and
 - 4. Prevention of emergency situations during dental treatments.

(2) Individuals authorized to practice under these provisions shall receive a license from the board indicating registration to practice under general supervision.

(3) A dentist who employs a dental hygienist who has met the standards of this administrative regulation and who allows the dental hygienist to provide dental hygiene services pursuant to KRS XXX.XXX shall:

- (a) Complete a written order prescribing the dental service or procedure to be done to a specific patient by the dental hygienist; and

- (b) Retain the original order in the patient's dental record.
- (c) The minimum requirements for the written order shall include:
 - 1. Medical history update;
 - 2. Radiographic records requested;
 - 3. Dental hygiene procedures requested;
 - 4. Name of the patient;
 - 5. Date of last oral examination;
 - 6. Date of the written order; and
 - 7. Signature of the dentist.
- (d) The oral examination of the patient by the supervising dentist shall have been completed within seven (7) months of the treatment by the dental hygienist practicing under general supervision.
- (4) The supervising dentist shall evaluate and provide to the board written validation of an employed dental hygienist's skills necessary to perform dental hygiene services under this administrative regulation as part of the "General Supervision Registration Application".
- (5) The supervising dentist shall provide a written protocol addressing the medically-compromised patients who may or may not be treated by the dental hygienist. The dental hygienist shall only treat patients who are in the American Society of Anesthesiologists classification of Physical Status I and II as listed in "Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry", Part 2 (2000 Edition), American Dental Association.

~~Section 14. Public Health Hygiene.~~

Section 14. Issuance of Initial Licensure. Once an applicant has completed the requirements for licensure the board shall:

- (1) Issue a license in sequential numerical order; or
- (2) Deny licensure due to a violation of KRS Chapter XXX or the administrative regulations promulgated thereunder.